

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

Rebecca E. Henry, Dr. Jimmy Wiley and
Rena Butler et.al.

Plaintiffs

vs.

The Clarksdale Municipal Separate School
District et. al.

Defendants

Case no: 2:64-CV-28-MPM

And

Chuck Espy, Mayor of Clarksdale, MS;
Robert Jackson, Senator; Orlando Paden,
Representative; Jeffrey Gooden, Chair;
Donnell Harrell; Josephine P. Rhymes,
Superintendent's Round Table Member; Elsa
Williams; Roberta McCaskill; Dennis Dupree, Jr.;
Anthony Collier; Ray T. Sykes; Catherine Williams;
Carla Trotter; Samuel McCray; Johnny Newson, Supervisor;
Dr. Jimmy Wiley, President of Coahoma Branch National
Association for the Advancement of Colored People i.e.
NAACP; Derrick Simmons, Senator; James Norvell Gooden;
Shelia Dupree; et.al., members of the class who wish to
Participate in said proceeding of parties in Interest.

Vs.

Carey Wright, State Superintendent for Education;
Tommie Cardin; Krystal Cormack, Chair; Karen Elam;
Leland Speed; Chris Wilson; Dr. Carey Wright in her capacity as
Appointee by the State Superintendent of Education,
And Jean Young, member of the State of Mississippi
Charter School authorizer board;
And Phil Bryant, Governor of the state of Mississippi.
Defendants- Respondents pursuant to Rule 17(a), 19(a)(1) and (21).
F.R.C.P.

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs, Dr. Jimmy Wiley and Rena Butler move the Court to hold an expedited hearing prior to October 19, 2017 to restrain and maintain the status quo until this Court hold a preliminary Injunction hearing on the question of ratings of school districts in Mississippi. Pursuant to Rule 65(a)(1)(2) this Court is urged to consolidate the Hearing with the trial on the merits. The Testing ratings and Private Charter all come together when this court learn the facts. Caveon did investigation for Clarksdale and Atlanta.

Regarding Test Cheating Allegations at Heidelberg Elementary

Clarksdale Employees Charged

1. Frances Smith Kemp, a Black teacher, did not acknowledge wrongdoing. She agreed to surrender her license for 2 years and has had them reinstated.
2. Tetra Winters, a Black teacher, had her license suspended, started the process of appealing the suspension. Do not know current status.
3. Lowanda Tyler-Jones, a Black principal, had her license suspended for 20 years. She has requested a hearing to appeal. To date no hearing has been held.
4. Ms. Pennington, White, signed an affidavit saying that she did not do anything wrong. After she retired she changed her story. This white person was never really charged, fired or indicted. She was the testing coordinator and librarian. She never reported cheating to Superintendent or district personnel.
5. Mrs. Lutts, a white fourth grade teacher signed an affidavit stating she did not do anything wrong. Nearly two years later, after she resigned and took another job she changed her testimony. She was never embarrassed by the State of Mississippi. In fact,

this is the first time her name is being mentioned. All of this was kept secret. Mrs. Lutts was never indicted.

This is a precedent setting action. No district has been treated as Clarksdale was treated. No person's license has ever been revoked/suspended for the length of Mrs. Jones. The newspaper (Clarion Ledger) spread Dennis Dupree's picture on the front page of the newspaper multiple times as if to imply his guilt and the guilt of the district. There is no adequate remedy at law and injunctive relief is the only remedy that will save the Black Citizens all over Mississippi.

The Court examines four factors primarily to determine whether an order should issue. TRO's are extremely powerful weapons and should be used only in rare situations.

(1) Probability of success on the merits.

Mississippi has disregarded Brown, Green, Swan and Fordice. These cases support racial equality in the school desegregation setting. Labels are not the touch tone for racial equality. Action is. Mississippi has not only disregarded its own Constitution but the Federal Constitution as well.

(2) Mississippi did not get permission from this Court to locate a public/private entity in Clarksdale which is under a desegregation order.

There are already four high schools in the County/City. Starting another school, without doing an environmental impact study on its effect on desegregation shows disrespect for Brown and the Rule of Law.

(3) Irreparable harm must be shown to convince the Court to issue injunctive relief. Over 2,000 signatures, hundreds of Black citizens crying out for help without one trial-type hearing. The Mayor of the City, political representative; The NAACP, churches and

most importantly parents of school children all oppose the entity. Yet, Mississippi refuses to respect Black people's opinion.

In reality, the citizenship question comes to the forefront. White citizens get respect while Black citizens get disrespected. Black citizens are treated as second class citizens in Clarksdale. There is no way that 99% of white people oppose a so-called public entity and it is still rammed down their throat. Is there any justice in our midst!

(4) Balancing the hardship.

Who will be hurt the most...business people who are trying to make a buck. Teach for America, KIPP schools, Bill Gates, Koch Brothers, Wal-Mart, Wendy Kopp and Bill Braith, husband and wife, who own Teach for America and KIPP schools are business people who are not concerned with education but trying to tap into the education troth. Twelve years from now, will there be any public education in Clarksdale? Will all of the entities serve all of the people? What guarantees do the citizens have that private schools will do better than public schools?

This Court must act before it is too late.

(5) Finally, where lies the public interest in the case.

The public interest will not be served with selective enforcement of law, rules and regulation. Yick Wo v. Hopkins, is applicable here. "Although a law be we fair on it's face and straightforward on paper... when the law is administered with an evil eye and unequal hands, it offends the constitution."

This Court should convene a meeting in Oxford immediately to see whether Mississippi will voluntarily postpone all of the negative events that are upon us. The

October 19, ranking; the start-up of the cheating harassment investigating without giving the accused their day in Court. Justice requires nothing less.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read "Alvin O. Chambliss, Jr.", written over a horizontal line.

ALVIN O. CHAMBLISS, JR. #5948

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